

Amendment No. 2 to HB0753

Travis  
Signature of Sponsor

**AMEND Senate Bill No. 1169**

**House Bill No. 753\***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as new subdivisions:

( ) "Facility-based telehealth":

(A) Means the use of real-time, interactive audio, video telecommunications, or electronic technology for the provision of store-and-forward telemedicine services by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) The provider is at a qualified site other than the site where the patient is located; and

(ii) The patient is located:

(a) At a qualified site;

(b) At a school clinic staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section; or

(c) At a public elementary or secondary school staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section; and

(B) Does not include:

(i) An audio-only conversation;

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(ii) An electronic mail message; or

(iii) A facsimile transmission;

( ) "Provider-based telehealth":

(A) Means the use of real-time, interactive audio, video telecommunications, or electronic technology, which may include store-and-forward telemedicine, used over the course of an interactive visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when the visits are ordered by the provider as part of an ongoing treatment for a diagnosed disease or condition for which the healthcare services provider or provider's practice group has established a provider-patient relationship pursuant to § 63-1-155 and when:

(i) The provider is at a qualified site other than the site where the patient is located; and

(ii) The patient is located:

(a) At a qualified site;

(b) At a school clinic staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section;

(c) At a public elementary or secondary school staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section;

(d) At the patient's residence that is equipped to engage in the telecommunications described in this section; or

(e) At the patient's place of employment that is equipped to engage in the telecommunications described in this section; and

(B) Does not include:

- (i) An audio-only conversation;
- (ii) An electronic mail message; or
- (iii) A facsimile transmission;

( ) "Telehealth" means healthcare services provided by a telehealth provider, including store-and-forward telemedicine services, facility-based telehealth, or provider-based telehealth;

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(a)(6), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(d), is amended by deleting the subsection and substituting the following:

(d) Subject to subsection (c), a health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through facility-based telehealth or provider-based telehealth;

(2) Shall reimburse a healthcare services provider for the diagnosis, consultation, and treatment of an insured patient for a healthcare service covered under a health insurance policy or contract that is provided through facility-based telehealth or provider-based telehealth without any distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through facility-based telehealth or provider-based telehealth and is not provided through an in-person encounter between a healthcare services provider and a patient; and

(4) Shall reimburse healthcare services providers who are out-of-network for facility-based telehealth services under the same reimbursement policies applicable to other out-of-network healthcare services providers.

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(e), is amended by deleting the subsection and substituting the following:

(e) A health insurance entity shall provide coverage for healthcare services provided during a facility-based telehealth or provider-based telehealth encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service and provider, and shall reimburse for healthcare services provided during a telehealth encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

SECTION 5. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection (g) and redesignating the existing subsection (g) and subsequent subsections accordingly:

(g) Telehealth encounters described in this section are subject to any and all appropriate utilization review protocols or other protocols for medical treatment and monitoring contained in a contract between a healthcare services provider and a health insurance entity as long as the protocols are based on evidence-based guidelines for treatment to ensure that the treatment is consistent with the standard of practice.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.